

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SUSAN BRESCIA,

Plaintiff,

-against-

CEIL SIA, sued in her individual capacity,

Defendant.

Ceil Sia, by her attorneys, WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER

LLP, as and for her Answer to the Complaint, alleges as follows:

1. Admitted.
2. Admitted.
3. Admits that Ceil Sia serves as the Court Clerk of the Town of Greenburgh Justice Court; otherwise, denies the allegations.
4. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph “4” of the complaint.
5. Admitted.
6. Admitted.
7. Admitted.
8. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph “8” of the complaint.
9. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph “9” of the complaint.

10. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "10" of the complaint.

11. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "11" of the complaint.

12. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "12" of the complaint.

13. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "13" of the complaint.

14. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "14" of the complaint.

15. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "15" of the complaint.

16. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "16" of the complaint.

17. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "17" of the complaint.

18. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "18" of the complaint.

19. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "19" of the complaint.

20. Denies the allegations contained in paragraph "20" of the complaint.

21. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "21" of the complaint.

22. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "22" of the complaint.

23. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "23" of the complaint.

24. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "24" of the complaint.

25. Denies the allegations contained in paragraph "25" of the complaint.

26. Denies the allegations contained in paragraph "26" of the complaint.

27. Denies the allegations contained in paragraph "27" of the complaint.

AS AND TO THE CAUSES OF ACTION

28. Repeats, reiterates and realleges each and every response to the allegations in paragraphs "1" through "27" of the complaint with the same force and effect as if restated herein.

29. Denies the allegations contained in paragraph "29" of the complaint.

30. Denies the allegations contained in paragraph "30" of the complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

31. The complaint fails to state a claim upon which relief may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

32. The court does not have subject matter jurisdiction over this matter.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

33. Ceil Sia is entitled to qualified immunity from suit.

WHEREFORE, Ceil Sia demands judgment dismissing the complaint herein, together with the costs and disbursements incurred in defending this action.

Dated: White Plains, New York
October 5, 2007

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**

By: James F. O'Brien
James F. O'Brien (JFO-6722)
Attorneys for Defendant CEIL SIA
3 Gannett Drive
White Plains, New York 10604
(914) 323-7000
File No.: 04127.00191

TO: Sussman & Watkins
Attorneys for Plaintiff
P.O. Box 1005
Goshen, New York 10924

AFFIDAVIT OF SERVICE

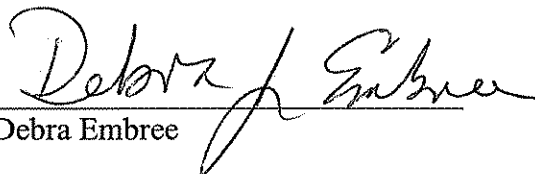
STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

Debra J. Embree, duly sworn, deposes, and says: that deponent is not a party to the action, is over 18 years of age and resides in Westchester County, New York.

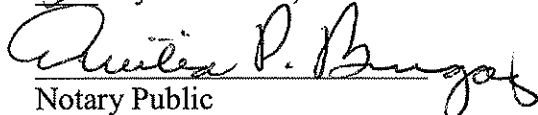
That on the 5th day of October, 2007, deponent served the within Answer upon:

Sussman & Watkins
Attorneys for Plaintiff
P.O. Box 1005
Goshen, NY 10924

at the above noted addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office within the State of New York.


Debra Embree

Sworn to before me this
5th day of October, 2007.


Notary Public

EMILIA P. BINGAY
Notary Public, State of New York
No. 60-4749786
Qualified in Westchester County
Commission Expires October 31, 2009